

MEMO ENDORSED



October 25, 2019

The Honorable Katherine Polk Failla
Judge of Southern District of New York
United States Courthouse
500 Pearl Street
New York NY 10007

Re: Emma Ocasio et al. v. 1555 Grand Concourse LLC et al.; 18-cv-10159-KPF

Dear Judge Failla,

We are writing to inform the court that we have learned from both Third-Party Defendant Comunilife and the family and friends of Plaintiff Suzanne Guthridge that Ms. Guthridge passed away on or around October 22, 2019.

Fair Housing Act claims survive the death of a plaintiff. *Revock v. Cowpet Bay West Condominium Association* 853 F.3d 96 (3rd Cir. 2017). Pursuant to F.R.C.P. 25(a) if a party dies and the underlying claim is not extinguished, a motion for substitution may be made within 90 days.

We respectfully request 90 days for Ms. Guthridge's successors or representatives to have an opportunity to file a motion to substitute into this action. We also note that there are four other plaintiffs in this action and pursuant to this court's Case Management Plan and Scheduling Order the close of fact discovery is December 4, 2019. In addition, Defendants have served an Offer of Judgment.

Respectfully submitted,

/s/ Carolyn M. Norton

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Application GRANTED. The Court extends its sincere condolences to Ms. Guthridge's family and friends on Ms. Guthridge's passing. Counsel is hereby given until January 23, 2020, to file a motion of substitution regarding Ms. Guthridge's claims.

Dated: October 28, 2019
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

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